

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: County Change of Zone #211
The Preserve at Cross Creek Pre. Plat #02029

Date: January 22, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: February 5, 2003

NOTE: This is a combined staff report for related items. This report contains a single background and analysis section for all items. There are separate conditions for each individual application.

PROPOSAL: Brian D. Carstens, for Land II L.L.C., has requested a Change of Zone and Preliminary Plat to create 15 lots on property generally located at S. 68th and Roca Rd.

WAIVER REQUEST: Waivers of subdivision requirements of street trees, street lighting, landscape screens, sidewalks, cul-de-sac length, storm water detention and block length. Requested waiver to lot frontage.

LAND AREA: 76.04 Acres, more or less

CONCLUSION: Without a rating standard in place, it is not possible to do a review and recommendation of the increased density as stated in the 2025 Comprehensive Plan, therefor, the change of zone application and the related preliminary plat should be deferred until a review performance standard is developed. However, if action is desirable at this time, it should be denied.

RECOMMENDATION:

Deferral of the Change of Zone
Deferral of the Preliminary Plat
Denial if action is requested

WAIVER REQUESTS

- block length along the north and south	Approval
- sidewalk	Approval
- landscape screens	Approval
- street lights	Approval
- street trees	Approval
- lot frontage	Not allowed.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Part of Lot 21, Irregular tract in the Northeast Quarter of the Southeast Quarter and all of the Northwest Quarter of the Southeast Quarter, all located in Section 16, T8N, R7E, in the 6th P.M., Lancaster County, Nebraska (Legal description attached).

LOCATION: Northwest of the corner of S. 68th & Roca Rd.

APPLICANT: Brian D. Carstens
Carstens and Associates
601 Old Cheney Road, Suite 'C'
Lincoln, NE 68512
(402) 434-2424

CONTACT: same

OWNER: Land II. L.L.C.
2610 Park Blvd
Lincoln, NE 68502
(402) 435-3550

EXISTING ZONING: AG Agriculture in the Lancaster County Jurisdiction

EXISTING LAND USE: Agricultural, and a wooded drainage way.

SURROUNDING LAND USE AND ZONING:

North: Agriculture, one farm dwelling, zoned AG

South: Agriculture and acreages along Roca road, zoned AG. AGR and acreages SE of 68th and Roca Rd.

East: Agriculture with a few dwellings, zoned AG

West: Agriculture, zoned AG

ASSOCIATED APPLICATIONS: County Change of Zone 211 and Preliminary Plat # 02029 are related.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is outside the Lincoln growth Tiers. The 2025 Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (pg F 70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per “40” acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

The Hickman Comprehensive Plan shows a “Horizon Plan” that extends one mile beyond their extraterritorial jurisdiction. This is a “buffer” area to prevent acreage residential use except for south of the City. The anticipated growth of the City of Hickman is to the north along a Highway Corridor along 68th Street. This is not in conformance with the Hickman Comprehensive Plan.

The Vision statement of the Lincoln/Lancaster County Comprehensive Plan states:

“The One Community Vision

Lincoln and Lancaster County have many different components that are bound together physically, economically, and culturally, all within a prairie ecosystem. The One Community Vision commits us to proactively, but cooperatively, acknowledge the sometimes competing interests and needs of neighborhoods, small towns, and rural areas, our growing cultural diversity, and regional economic forces, as we address the future. This is the fundamental challenge for our Comprehensive Plan: to retain the characteristics of our individual parts while accommodating change within an increasingly interdependent world. As a decision-making tool, the Plan must accomplish both these tasks.” (Page VI)

SPECIFIC INFORMATION:

UTILITIES: This is in the Lancaster Rural Water District. Rural Water or individual wells are proposed. Individual waste disposal is proposed.

TOPOGRAPHY: Rolling, sloping to a drainage way bisecting the parcel from west to east.

TRAFFIC ANALYSIS: This is served by Roca Rd. and S.68th. Both are paved county roads. S. 68th is planned for improvement and a new profile in FY 2004.

PUBLIC SERVICE: This is in the Hickman Rural Fire District and the Norris School District. This is served by the Lancaster County Sheriffs Department. This is in the Norris Public Power District.

REGIONAL ISSUES: Expansion of the acreage areas. "Matching" of town zoning and plans. Protection of farming operations.

ENVIRONMENTAL CONCERNS: There are no identified historic or ecological resources on this site. The soil rating on this land is 5.0 on a scale of 1 to 10 where 1 to 4 are prime. This is not prime ag land. There is FEMA mapped flood plain and a wooded drainage area through the parcel. No animal confinement was noted in the immediate area.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: Continued farming or three 20 acre residential lots or a cluster of four units.

ANALYSIS:

1. This request is for a Change of Zone from AG to AGR and a Preliminary Plat for 15 dwellings. Paved public streets are proposed.
2. Lancaster Rural Water and individual sewage disposal is proposed. Lancaster Rural Water District #1 has approved the application.
3. This request is not in conformance with the Lincoln-Lancaster County Comprehensive Plan map which shows this as Agriculture. A point system for increased density has not been developed.
4. The plan does not appear to be in conformance with the Comprehensive Plan of the City of Hickman. However, it is outside the one mile jurisdiction of Hickman. Support by Hickman is highly desirable.

5. The applicant is requesting waivers to street trees, landscape screens and sidewalks. These waivers are reasonable considering the nature of the subdivision is rural with a wooded drainage way.
6. The applicant is requesting waiver of the block length along the south and east(south?) of the plat. Waivers are required to the north and south of the plat. The County subdivision standard is not to exceed 1,320' block length without a cross street. This provides access to abutting property for future subdivision and access to the County road system. A block length of 1362' is shown along the south and 1322' along the north, a waiver appears appropriate.
7. The Health Department notes that;

Water supply is projected to be the Lancaster County Rural Water District Number One. The LLCHD will need a statement in writing from Lancaster County Rural Water District Number One indicating that there is sufficient capacity to adequately serve this proposed subdivision.

Sewage disposal is projected to be individual sewage disposal systems. The majority of soil in this area is Wymore Silty Clay Loam which is a soil that may or may not percolate well enough to allow septic systems. There is some Pawnee Clay Loam in the area of Lots 5 and 6 Block 3 and Lot 2 of Block 4. This soil will not percolate well enough for septic systems. The LLCHD will insist that there be no restrictions placed on the use of sewage lagoons in the proposed subdivision. There is also some Nodaway Silt Loam traversing this proposed subdivision but this soil is frequently flooded and cannot be built upon. It is noted that the lots are large enough that when this flooded land is excluded there is still sufficient land to build a house and individual sewage disposal.

8. The County Engineer letter of January 7, 2003, notes the following;
 1. 10' dedication along South 68th Street to provide a total of 60' of right-of-way.
 2. Lot 1, Block 2 and Lot 3, Block 1 shall relinquish access to South 68th Street.
 3. All lots shall be allowed only one residential access per lot.
 4. 22' Type III barricades shall be installed at all temporary dead-ends.

5. This office is to be notified one week prior to installation of pavement. Subgrade to meet requirements prior to paving. Developer is required to provide all testing for subgrade and pavement.
6. Prior to approval of Final Plat, developer shall enter into a Pavement Maintenance Agreement with Lancaster County.
7. Note 19 refers to farm accesses. There are no farm accesses on this plat and the note should be eliminated.
8. The area in the northeast corner of the drawings labeled "Not Part of Preliminary Plat" must be included since this area is part of the property being subdivided.
9. The plat should not include the existing 50' of right-of-way along South 68th Street. The legal description needs correction.
10. The following flood plain issues need to be resolved:
 - A. The flood plain shown on the FEMA maps does not match what is shown on these drawings.
 - B. The minimum building opening elevation on some lots is lower than the 100 year flood elevation - See Lot 5, Block 3.
 - C. The 100 Year Backwater Elevations shown at the culvert sites is more than one (1) foot over the existing 100 Year Flood Elevation.
 - D. Flood plain permits shall be submitted prior to Preliminary Plat approval.
11. No culvert design information is provided.
12. A culvert permit is needed at the intersection of South 65th Street and Cross Creek Road.
13. No drainage area information is provided for the 24" culvert at South 67th Street and Cross Creek Road.
14. All culverts shall have a concrete headwall or flared-end section on the inlet.

15. Cross Creek Road profile should tie to the existing South 68th Street elevation, with planning for a future profile to connect to South 68th Street which will not be improved until 2004.
 16. Asphaltic concrete shall be Type SPL with Performance Graded Binder (64-22) and 6" thick. Typical cross-section should show asphalt pavement.
 17. The rural water easement should not be in public right-of-way. Utilities exist in public right-of-way by permit ONLY.
9. Norris Public Power is requesting revisions to the easements.
 10. The Post Office and Emergency Communications/911 note that Cross Creek Drive already exists in Lincoln (in Cripple Creek) and must be renamed.
 11. The Lower Platte NRD notes an NPDES-NOI will need to be filed with the Nebraska Department of Environmental Quality.
 12. The Building and Safety notes:
 1. Proposed Lot 5, Block 3, does not meet minimum frontage requirements for the proposed AGR district. I am not aware how a requested waiver related to the prelim plat can modify this minimum height and area regulation of the AGR district.
 2. This project is not identified as a community unit plan, thus there is no need for the general notes specifying buildable areas, as minimum height and area regulations of the zoning district will control.
 3. General note 17 need not be included.
 4. A portion of this plat is within the 100 year flood plain. A flood plain development permit is required prior to any development, including grading, street and utility improvements, within the flood plain and/or floodway. Compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972 is required prior to flood plain development permit approval.
 13. The farmstead that is "not part of this plat" needs to be included or split-off by separate subdivision prior to approval of a final plat.
 14. This is not a Community Unit Plan (CUP) and thus the requested waiver of frontage cannot be approved.

15. Several of the notes are CUP related and need to be revised.
16. The change of zone to AGR would permit 25 dwellings. An AGR CUP with bonuses could permit 30 dwellings.
17. An easement to protect the floodplain area, its tree mass and a buffer area restricting buildings and fill would be desirable.
18. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
This is in the rural water district and district service is proposed.
 - b) Road access and paving,
Roca Road and South 68th Street are paved County roads.
 - c) Soil rating,
The soil is not prime ag land of the county. It is currently productive cultivated land with a wooded drainage way.
 - d) Development of the area/land parcelization,
The land to the north, east and west of this area is in substantially larger parcels of 40 and 80 acres in area.
 - e) Existing acreages,
Land to the south has substantial acreages. An issue is extended acreage development to the north along S. 68th St.. There are no abutting acreage developments.
 - f) Conflicting farm uses,
There are no conflicting farm uses noted in a field check.
 - g) Environmental issues,
There is a wooded flood plain on the site.
 - h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.

i) Plans of other towns,

This is about two miles north from the town of Hickman and about one and one-half miles east of Roca, no response was received from either town on this project. This application does not appear to comply with the "Horizon Plan" of the City of Hickman.

If the Planning Commission chooses to recommend approval and conditional approval of the applications, the following conditions are suggested:

CONDITIONS FOR PRELIMINARY PLAT #02029:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the County Board agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Submit a subdivision for the existing farmstead or attach it to abutting land.
 - 1.2 Make the corrections requested by the County Engineer in his letter of January 7, 2003.
 - 1). 10' dedication along South 68th Street to provide a total of 60' of right-of-way.
 - 2) Lot 1, Block 2 and Lot 3, Block 1 shall relinquish access to South 68th Street.
 - 3) All lots shall be allowed only one residential access per lot.
 - 4) 22' Type III barricades shall be installed at all temporary dead-ends.
 - 5) This office is to be notified one week prior to installation of pavement. Subgrade to meet requirements prior to paving. Developer is required to provide all testing for subgrade and pavement.
 - 6) Prior to approval of Final Plat, developer shall enter into a Pavement Maintenance Agreement with Lancaster County.
 - 7) Note 19 refers to farm accesses. There are no farm accesses on this plat and the note should be eliminated.

- 8) The area in the northeast corner of the drawings labeled "Not Part of Preliminary Plat" must be included since this area is part of the property being subdivided.
- 9) The plat should not include the existing 50' of right-of-way along South 68th Street. The legal description needs correction.
- 10) The following flood plain issues need to be resolved:
 - 1) The flood plain shown on the FEMA maps does not match what is shown on these drawings.
 - 2) The minimum building opening elevation on some lots is lower than the 100 year flood elevation - See Lot 5, Block 3.
 - 3) The 100 Year Backwater Elevations shown at the culvert sites is more than one (1) foot over the existing 100 Year Flood Elevation.
 - 4) Flood plain permits shall be submitted prior to Preliminary Plat approval.
- 11) No culvert design information is provided.
- 12) A culvert permit is needed at the intersection of South 65th Street and Cross Creek Road.
- 13) No drainage area information is provided for the 24" culvert at South 67^h Street and Cross Creek Road.
- 14) All culverts shall have a concrete headwall or flared-end section on the inlet.
- 15) Cross Creek Road profile should tie to the existing South 68th Street elevation., with planning for a future profile to connect to South 68th Street which will not be improved until 2004.
- 16) Asphaltic concrete shall be Type SPL with Performance Graded Binder (64-22) and 6" thick. Typical cross-section should show asphalt pavement.
- 17) The rural water easement should not be in public right-of-way. Utilities exist in public right-of-way by permit ONLY.

1.3 Revise the site plan to show:

1.3.1 Rename Cross Creek Drive.

1.3.2 Revise the frontage of Lot 5 Block 3 to 175' or more.

1.3.3 Revise the Petitioner address.

1.3.4 Remove the County Board acceptance block.

1.3.5 Revise note #16 regarding block length and frontage.

1.3.6 Remove notes #4 and 5, this is not a CUP.

1.3.7 Note all flood elevations are in NAVD 88.

1.3.8 Note sources of the 100 year flood limit shown.

1.3.9 Note and show an easement for the protection of the 100 year floodplain, its vegetation and a 60' buffer (no building or fill).

1.4 Make the revisions requested by Norris Public Power.

2. The County Board approve associated requests:

2.1 Approval of Change of Zone # 211 for AGR.

2.2 A waiver to the sidewalk, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.

2.3 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' on the north and south.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

3.1 Streets, street lights, street trees, community water facilities, community sewer facilities, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed, unless waived.

3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

3.2.1 To submit to the County Engineer an erosion control plan.

3.2.2 To protect the remaining trees on the site during construction and development.

3.2.3 To submit to lot buyers and home builders a copy of the soil analysis.

3.2.4 To complete the private improvements shown on the preliminary plat.

3.2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.

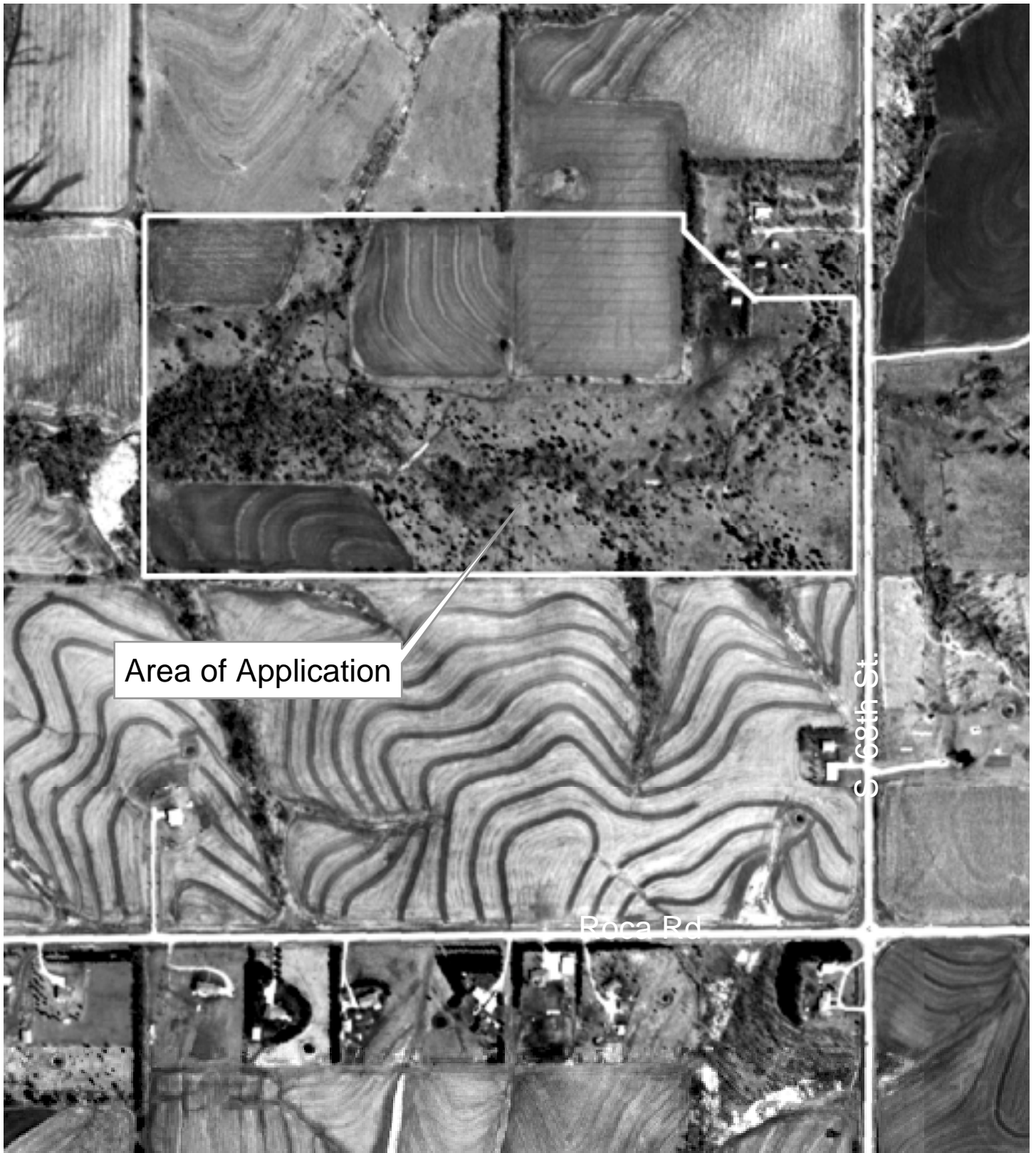
3.2.6 To relinquish the right of direct vehicular access to S. 68th except for Cross Creek Drive, as renamed.

3.2.7 To maintain County roads until the County Board specifically accepts the maintenance.

3.2.8 To comply with the provisions of the Land Subdivision Ordinance\Resolution regarding land preparation.

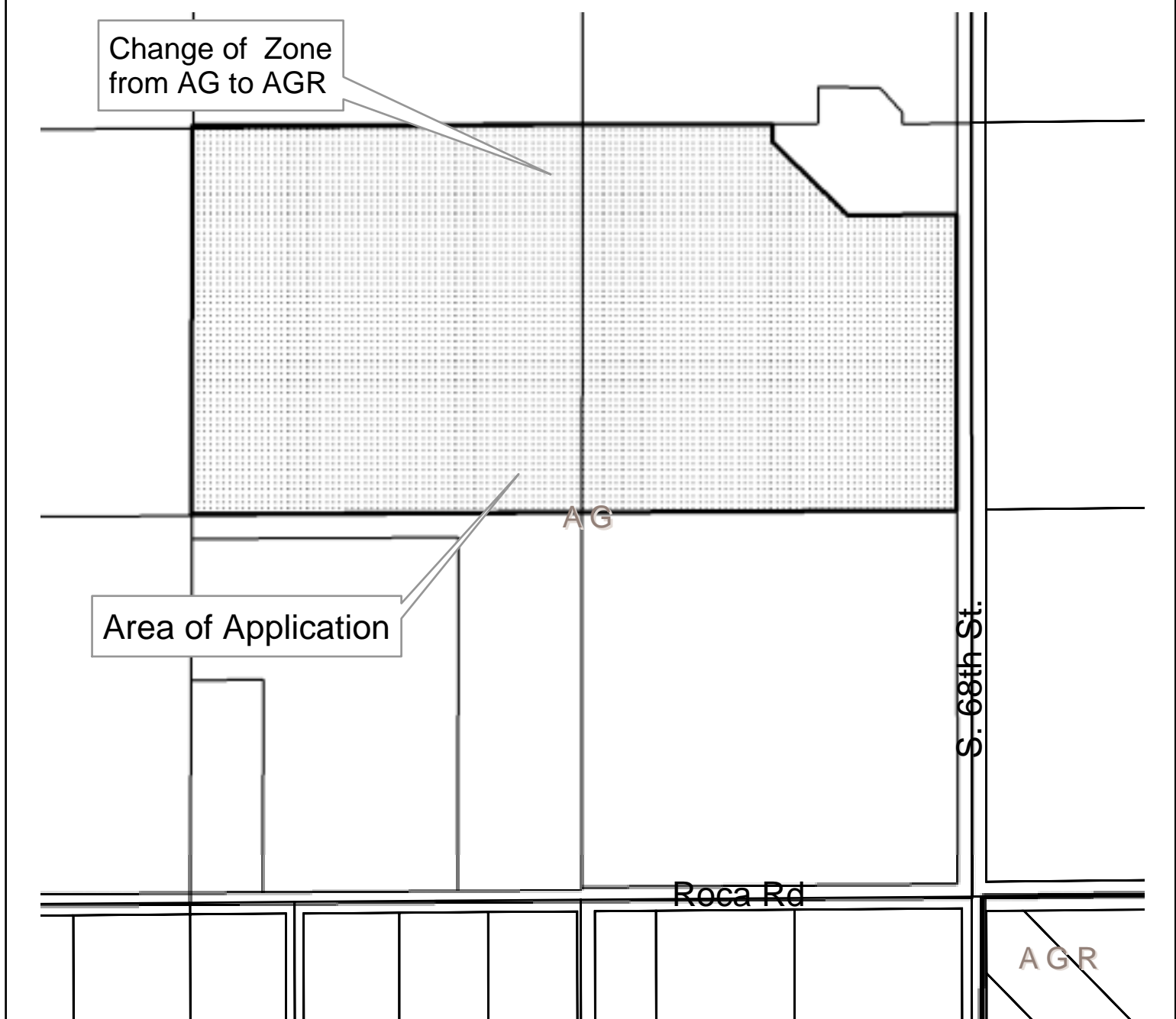
Prepared by:

Michael V. DeKalb AICP
Planner



County Preliminary Plat #02029
County Change of Zone #211
The Preserve at Cross Creek
S. 68th & Roca Rd.

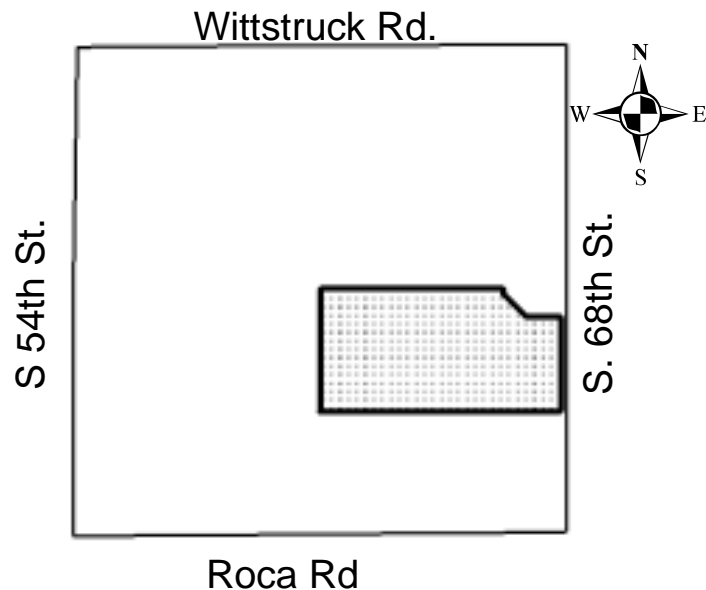
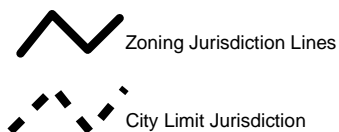


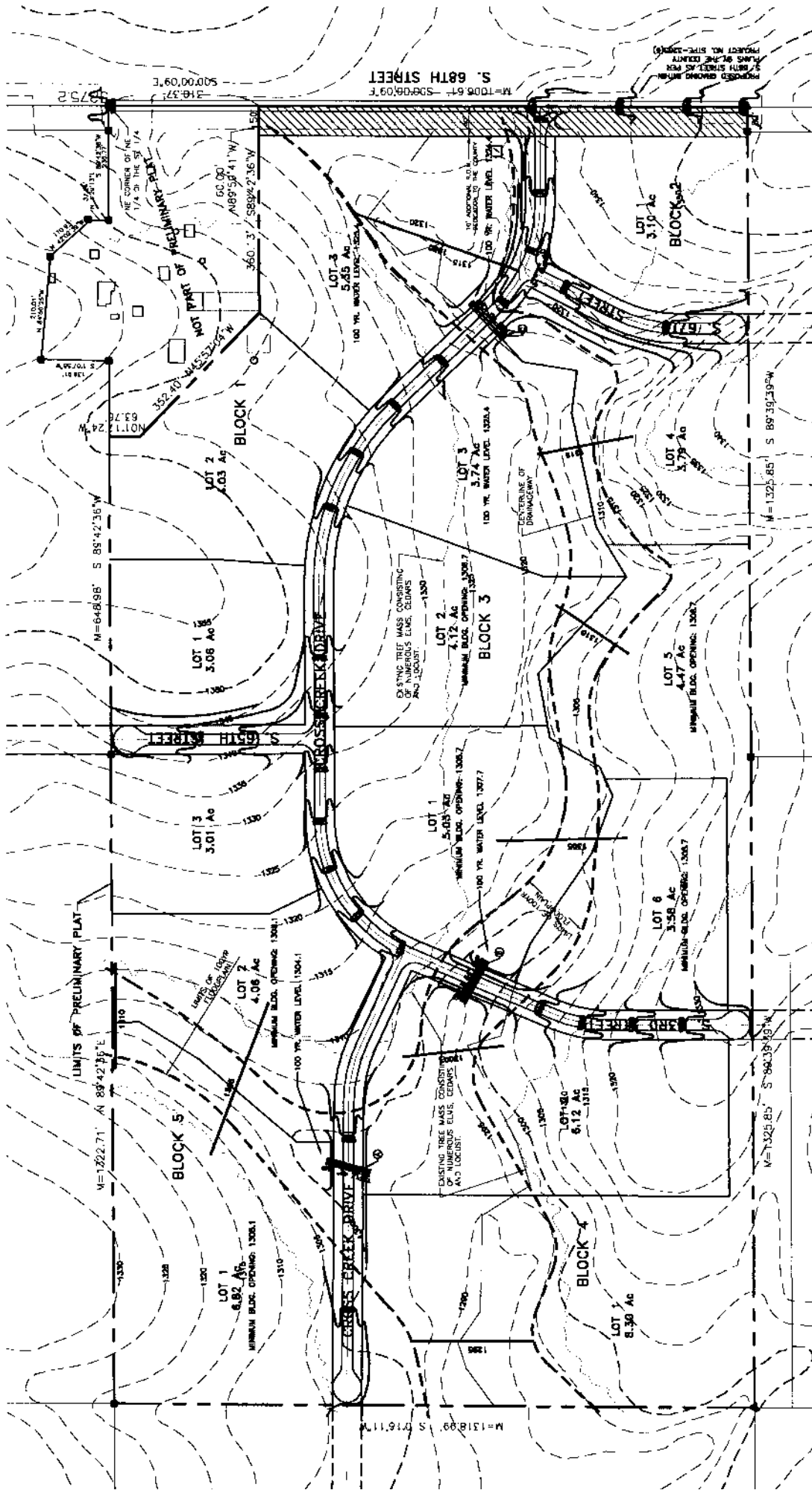


County Preliminary Plat #02029 **County Change of Zone #211** **The Preserve at Cross Creek** **S. 68th & Roca Rd.** **Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec.16 T8N R7E



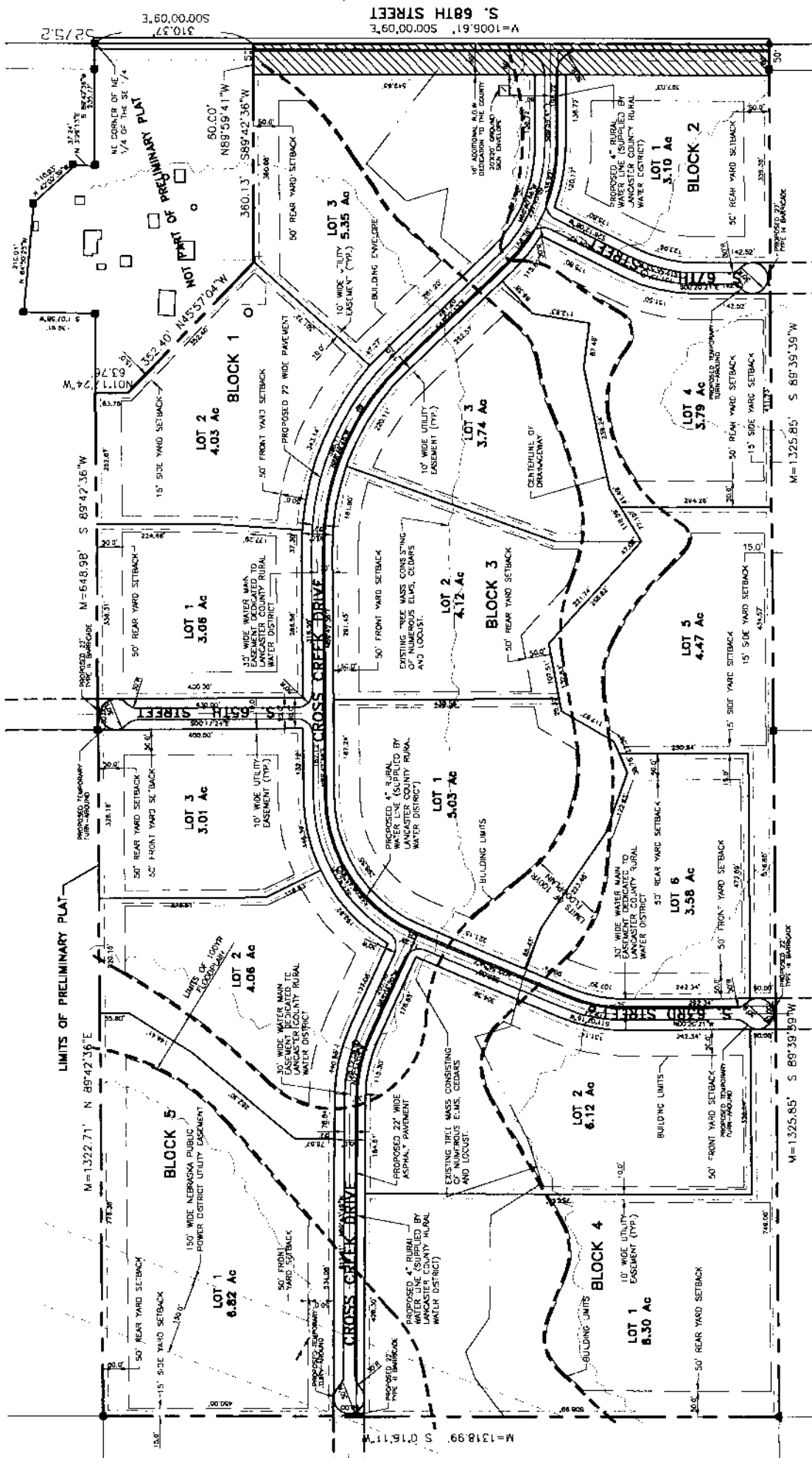


County Preliminary Plat #02029
 County Change of Zone #211
 The Preserve at Cross Creek
 S. 68th & Roca Rd.

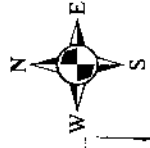


2022

PLANNING DEPARTMENT

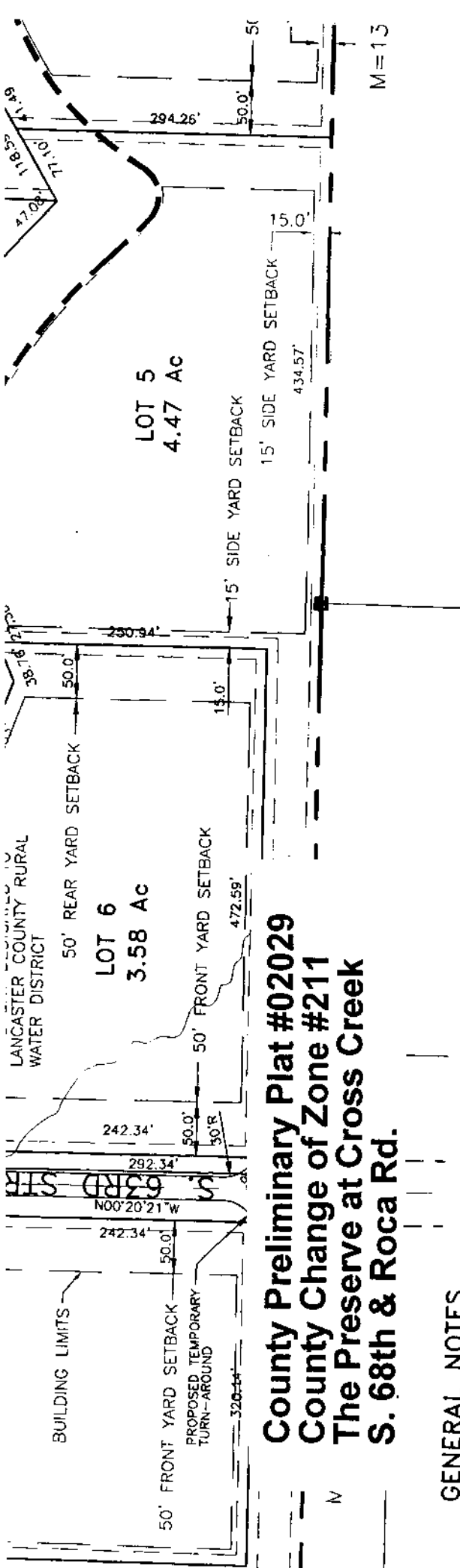


County Preliminary Plat #02029
County Change of Zone #211
The Preserve at Cross Creek
S. 68th & Roca Rd.



DEC 27 2011

LANCASTER COUNTY
 PLANNING DEPARTMENT



County Preliminary Plat #02029
County Change of Zone #211
The Preserve at Cross Creek
S. 68th & Roca Rd.

GENERAL NOTES

1. THIS PRELIMINARY PLAT CONTAINS 76.04 ACRES MORE OR LESS.
2. THIS PRELIMINARY PLAT PERMITS 15 SINGLE FAMILY LOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND OUT BUILDINGS, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/ OR NOTED.
3. THE CURRENT ZONING IS 'AG' & THE PROPOSED ZONING IS 'AGR'.
4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER 'AGR' ZONING.
5. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
6. THE DEVELOPER PROPOSES THE USE OF LANCASTER COUNTY RURAL WATER FOR POTABLE WATER SUPPLY. HOWEVER, INDIVIDUAL WELLS MAY BE USED.
7. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.
8. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE CROSS CREEK DRIVE, S. 63RD STREET, S. 65TH STREET AND S. 67TH STREET WITH ASPHALT IN ACCORDANCE WITH LANCASTER COUNTY STANDARDS. ASPHALT PAVING SHALL BE TYPE SP1. PREFORMACE GRADED BINDER (58-28), 0.5 INCH GRADATION BAND. SUBGRADE TESTING SHALL BE IN CONFORMANCE TO COUNTY STANDARDS AND WITNESSED BY A COUNTY ENGINEERING DEPARTMENT INSPECTOR. ASPHALT PAVING SHALL BE INSPECTED BY THE SAME MEANS.

9. DEVELOPER SHALL INSTALL FOUR (4) STREET IDENTIFICATION SIGNS, ONE (1) STOP SIGN, FIVE (5) NO OUTLET SIGNS, AND SIX (6) SPEED LIMIT SIGNS.
10. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
12. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
13. DIRECT VEHICULAR ACCESS TO S. 68TH STREET IS HEREBY RELINQUISHED EXCEPT FOR CROSS CREEK DRIVE.
14. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
15. ONLY ONE ACCESS SHALL BE PERMITTED PER EACH LOT.
16. THE FOLLOWING WAIVERS ARE APPROVED WITH THIS PRELIMINARY PLAT #02029: SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING, BLOCK LENGTH ON THE SOUTH & EAST SIDE OF CROSS CREEK DRIVE AND LOT FRONTAGE FROM 175' TO 50' ON LOT 5, BLOCK 3.
17. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.

18. FUTURE LOT OWNERS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.
19. FARM ACCESSSES ARE FOR AGRICULTURAL USES ONLY. ANY OTHER USE WILL FORFEIT AND RELINQUISH THAT ACCESS.

PRO.
ARE,

VICINITY
SCALE:

LEGAL DESCRIPTION PRELIMINARY PLAT:

PART OF LOT 21 IRREGULAR TRACT IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND ALL OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALL LOCATED IN SECTION 16, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21, SAID POINT BEING ON THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER AND 50.00' WESTERLY OF THE SOUTHEAST CORNER OF SAID NORTH HALF; THENCE ON ON SAID SOUTH LINE, ON AN ASSIGNED BEARING OF S 89° 39'39"W A DISTANCE OF 2601.69', TO THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE ON THE WEST LINE OF SAID NORTH HALF, N 0°16'11"E 1318.99', TO THE NORTH WEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, N 89°42'36"E 1971.69'; THENCE S 0°17'24"E 63.76'; THENCE S 45°57'04"E 352.40'; THENCE N 89°42'36"E 370.12', TO A POINT ON THE EAST LINE OF SAID LOT 21, SAID POINT BEING 50.00' WESTERLY OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE ON SAID EAST LINE OF LOT 21, S 0°00'09"E 1006.66', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 76.04 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

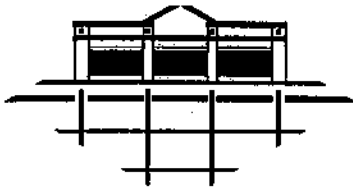
DATE

BILLY JOE KERR L.S. #483

LEGAL DESCRIPTION CHANGE OF ZONE:

PART OF LOT 21 IRREGULAR TRACT IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND ALL OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALL LOCATED IN SECTION 16, TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21, SAID POINT BEING ON THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER AND 50.00' WESTERLY OF THE SOUTHEAST CORNER OF SAID NORTH HALF; THENCE ON ON SAID SOUTH LINE, ON AN ASSIGNED BEARING OF S 89° 39'39"W A DISTANCE OF 2601.69', TO THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE ON THE WEST LINE OF SAID NORTH HALF, N 0°16'11"E 1318.99', TO THE NORTH WEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, N 89°42'36"E 1971.69'; THENCE S 0°17'24"E 63.76'; THENCE S 45°57'04"E 352.40'; THENCE N 89°42'36"E 370.12', TO A POINT ON THE EAST LINE OF SAID LOT 21, SAID POINT BEING 50.00' WESTERLY OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE ON SAID EAST LINE OF LOT 21, S 0°00'09"E 1006.66', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 76.04 ACRES, MORE OR LESS.



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 27, 2002

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: THE PRESERVE AT CROSS CREEK - SOUTH 68TH AND ROCA ROAD
CHANGE OF ZONE FROM 'AG' TO 'AGR' AND COUNTY PRELIMINARY PLAT

Dear Marvin,

On behalf of the owners, we submit the following Change of Zone from 'AG' to 'AGR' and an associated preliminary plat. The project is located 1/4 mile north of South 68th and Roca Road, on the West side of South 68th Street. The Preserve at Cross Creek contains 76.04 acres of existing crop land and grassland and numerous volunteer trees and tree masses along a meandering creek.

The Preserve at Cross Creek is located northwest of newly developing acreage subdivision. We feel this project is located in a 'sweet spot' for acreages, as South 68th Street is slated to be improved in the next 24 months or less, and the existing site conditions are perfect for an acreage development of this type.

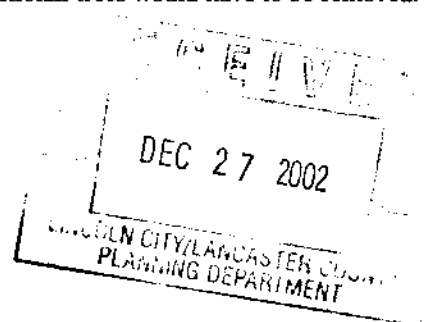
The project will contain 15 single family acreage lots, ranging in size from 3.01 acres to 8.3 acres. All lots will front along proposed paved county roads. The lots will be provided potable water from the Lancaster County Rural Water District. Each lot will have it's own sub-surface septic/ lateral or lagoon sewage system.

We have work hard to arrange the lots to take advantage of the existing stream and treed areas. Roadway crossings have been kept to a minimum. The 100 year flood plain has also been taken into consideration by providing building envelopes for homes and outbuildings located out of the flood plain.

We are requesting the standard subdivision waivers of street trees, street lighting, sidewalk, landscape screens, as each lot is larger than 1 acre and this project is not being annexed into the City of Lincoln.

We are also requesting a waiver of the block length on the South and East sides of Cross Creek Drive / South 63rd Street. Providing another street in this location is not warranted, and would destroy more existing trees and impact the existing stream.

We are requesting a waiver to the minimum lot frontage on Lot 5, Block 3, from the required 175' to 50'. Lot 5 will have access to South 63rd Street via a 50' wide 'pan handle'. This lot is a nice lot as it backs up to the existing trees and stream. We could reconfigure the lots, but we would have driveways located within the 100 year flood plain, and additional trees would have to be removed.



Page 2

We look forward to working with you and staff as this project moves forward through the necessary approvals. Please feel free to contact me if you have any further questions.

Sincerely,

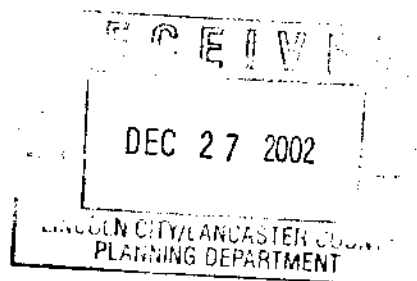


Brian D. Carstens

CC. Builders Achieving Excellence
Land II, L.L.C.

ENCLOSURES:

- 16 copies of Sheet 1 of 4
- 5 copies of sheets 2 thru 4 of 4
- 8-1/2" x 11" reductions of the plans
- Application for a Change of Zone and fees
- Application for a County Preliminary Plat and fees
- Applicant's Technical Checklist
- Certificate of Ownership
- Letter from the Lancaster County Rural Water District
- 3 copies of the Preliminary Soils Analysis



RURAL WATER DISTRICT NO. 1

LANCASTER COUNTY, NEBRASKA

P.O. BOX 98 - 310 FIR STREET

BENNET, NEBRASKA 68317

PHONE 782-3495

December 12, 2002

Mike DeKalb

Linc-Lanc Planning

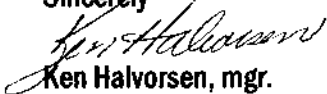
555 S 10th Street

Lincoln, NE 68508

Mike,

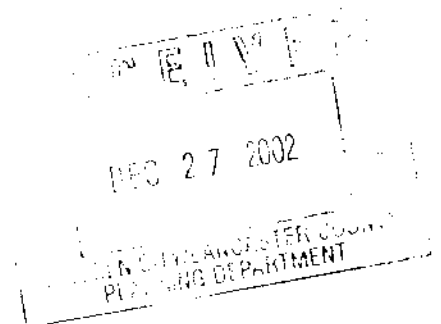
Our engineer has reviewed and approved the application made by Dan Kubr for 16 water services in the SE 1/4 of Sec. 16-T8N-R7E. Please call if you have any questions.

Sincerely

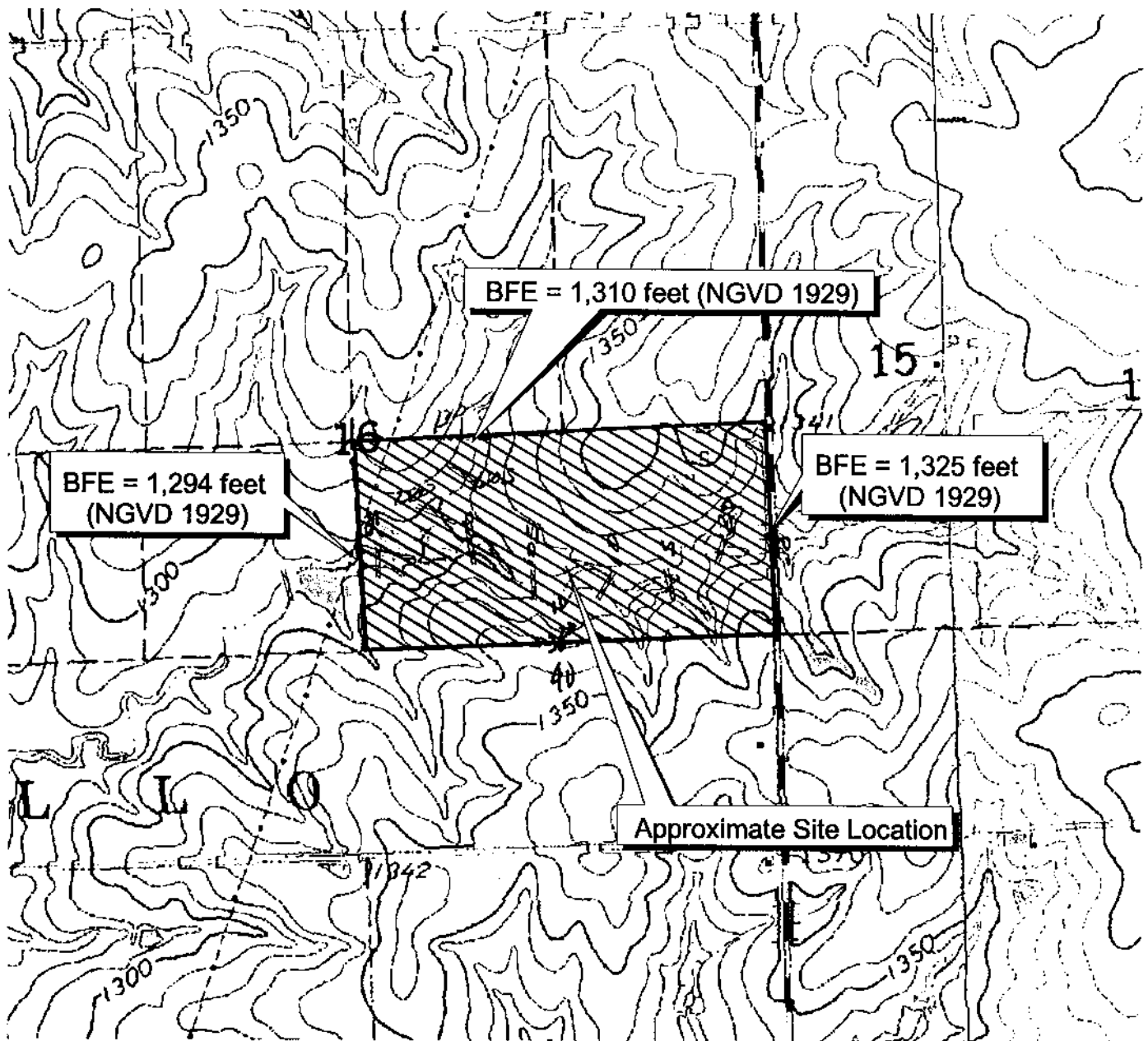


Ken Halvorsen, mgr.

Lancaster Rural Water District #1



Base Flood Elevation Determination Lancaster County, Nebraska

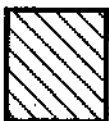


Location 16-8-7E; Date 10-18-2002

*This base flood elevation determination was created
from the best available data by:*

Nebraska Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509-4676
Telephone (402) 471-2363; Fax (402) 471-2900

LEGEND



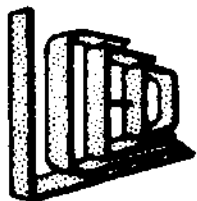
Approximate
Site
Location

1000 0 1000 2000 3000 Feet



DEC 27 2002





Lancaster

County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

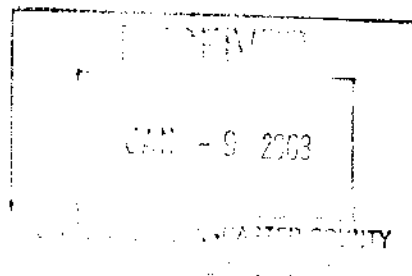
DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: January 7, 2003

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell *Larry V. Worrell*
County Surveyor

SUBJECT: THE PRESERVE AT CROSS CREEK
PRELIMINARY PLAT



Upon review, this office would have the following comments:

- 1) 10' dedication along South 68th Street to provide a total of 60' of right-of-way.
- 2) Lot 1, Block 2 and Lot 3, Block 1 shall relinquish access to South 68th Street.
- 3) All lots shall be allowed only one residential access per lot.
- 4) 22' Type III barricades shall be installed at all temporary dead-ends.
- 5) This office is to be notified one week prior to installation of pavement.
Subgrade is to meet requirements prior to paving.
Developer is required to provide all testing for subgrade and pavement.
- 6) Prior to approval of Final Plat, developer shall enter into a *Pavement Maintenance Agreement* with Lancaster County.
- 7) Note 19 refers to farm accesses. There are no farm accesses on this plat and the note should be eliminated.
- 8) The area in the northeast corner of the drawings labeled "Not Part of Preliminary Plat" must be included since this area is part of the property being subdivided.
- 9) The plat should not include the existing 50' of right-of-way along South 68th Street.
The legal description needs correction.
- 10) The following flood plain issues need to be resolved:
 - a) The flood plain shown on the FEMA maps does not match what is shown on these drawings.

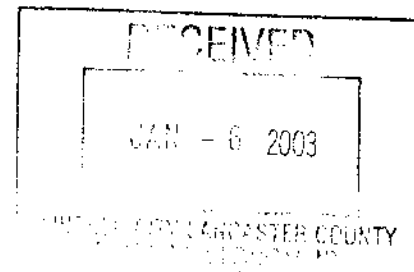
THE PRESERVE AT CROSS CREEK
PRELIMINARY PLAT

- 10) b) The minimum building opening elevation on some lots is lower than the *100 Year Flood Elevation* - See Lot 5, Block 3.
- c) The *100 Year Backwater Elevations* shown at the culvert sites is more than one (1) foot over the existing *100 Year Flood Elevation*.
- d) Flood plain permits shall be submitted prior to Preliminary Plat approval.
- 11) No culvert design information is provided.
- 12) A culvert is needed at the intersection of South 65th Street and Cross Creek Road.
- 13) No drainage area information is provided for the 24" culvert at South 67th Street and Cross Creek Road.
- 14) All culverts shall have a concrete headwall or flared-end section on the inlet.
- 15) Cross Creek Road profile should tie to the existing South 68th Street elevation, with planning for a future profile to connect to South 68th Street which will not be improved until 2004.
- 16) Asphaltic concrete shall be Type SPL with Performance Graded Binder (64-22) and 6" thick. Typical cross-section should show asphalt pavement.
- 17) The rural water easement should not be in public right-of-way. Utilities exist in public right-of-way by permit **ONLY**.



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



January 3, 2003

Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

RE: The Reserve at Cross Creek

Dear Mike,

I have reviewed the subject plat and see easements in place as requested. As it appears to me however, the 10' easement on adjoining property lines is all on one side. I can live with this arrangement, but I feel the owners should be made aware of the fact that this means that ALL of the utility enclosures will be all on one property.

Thanks for your cooperation.

Sincerely,

Rick Volmer, Construction Superintendent, Area 2



Dennis L Roth

01/05/03 06:49 AM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: re: The Preserve at Cross Creek

PROJ NAME: The Preserve at Cross Creek
PROJ NMBR: PP# 02029 CZ# 211
PROJ DATE: 12/27/02
PLANNER: Mike DeKalb

Finding ONE DUPLICATE/SIMILAR NAME within in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

CROSS CREEK DR already exists within the City of Lincoln
Runs S-SE off Old Cheney Rd btwn 70 and 77 to Culwells

STRONGLY RECOMMEND AN ALTERNATE name be selected.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center


STREETS, Public: S 63rd, S 65th, S 67th, S 68th and Cross Creek
Private: NONE

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

Date: January 2, 2003
To: Mike DeKalb, Planning Dept.
From:  J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: The Preserve at Cross Creek Preliminary Plat #02029

We have reviewed the plans of the project above. The property is not within the 3-mile limit of the City of Lincoln, and will not need to file an NPDES-Notice of Intent to perform land disturbance with our office. The developer will, however, need to file an NPDES-NOI with Nebraska Department of Environmental Quality. Our office can assist the design engineer with any questions concerning the Sediment and Erosion Control design. Particularly, this project will need to have emphasis on roadside ditch stabilization.

If you have any questions, feel free to call.

JBD/jbd

pc: file

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: January 9, 2003
DEPARTMENT: Planning	FROM: Chris Schroeder Jerry Hood, REHS
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: The Preserve at Cross Creek PP #02029 CZ #211

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for preliminary plat and change of zone request for the proposed Preserve at Cross Creek. The following items are noted:

- Water supply is projected to be the Lancaster County Rural Water District Number One. The LLCHD will need a statement in writing from Lancaster County Rural Water District Number One indicating that there is sufficient capacity to adequately serve this proposed subdivision.
- Sewage disposal is projected to be individual sewage disposal systems. The majority of soil in this area is Wymore Silty Clay Loam which is a soil that may or may not percolate well enough to allow septic systems. There is some Pawnee Clay Loam in the area of Lots 5 and 6 Block 3 and Lot 2 of Block 4. This soil will not percolate well enough for septic systems. The LLCHD will insist that there be no restrictions placed on the use of sewage lagoons in the proposed subdivision. There is also some Nodaway Silt Loam traversing this proposed subdivision but this soil is frequently flooded and cannot be built upon. It is noted that the lots are large enough that when this flooded land is excluded there is still sufficient land to build a house and individual sewage disposal.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



Rodger P Harris

01/21/03 04:11 PM

To: Michael V Dekalb/Notes@Notes

cc: Chuck A Zimmerman/Notes@Notes

Subject: Preserve at Cross Creek, prelim plat & Co. CZ No. 211

We have reviewed the above project and have the following comments to offer:

1. Proposed Lot 5, Block 3, does not meet minimum frontage requirements for the proposed AGR district. I am not aware how a requested waiver related to the prelim plat can modify this minimum height and area regulation of the AGR district.
2. This project is not identified as a community unit plan, thus there is no need for the general notes specifying buildable areas, as minimum height and area regulations of the zoning district will control.
3. General note 17 need not be included.
4. A portion of This plat is within the 100 year flood plain. A flood plain development permit is required prior to any development, including grading, street and utility improvements, within the flood plain and/or floodway. Compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972 is required prior to flood plain development permit approval.